

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:10-00002
)	JUDGE CAMPBELL
DAVID WAYNE FELTS)	

ORDER

Pending before the Court is Defendant's Motion To Dismiss Indictment (Docket No. 17), and the Government's Response thereto (Docket No. 19). The Court held a hearing on the Motion on June 9, 2010. For the reasons set forth below, the Motion is DENIED.

The one-count Indictment in this case alleges that, on or about January 19, 2010, the Defendant was a person required to register under the Sex Offender Registration and Notification Act ("SORNA"), 42 U.S.C. §§ 16901, et seq., and traveled in interstate commerce from Tennessee to Puerto Rico, and knowingly failed to register in Tennessee, in violation of 18 U.S.C. § 2250(a). (Docket No. 1).

The parties appear to agree on the following relevant dates and events. The Defendant was convicted of aggravated sexual battery and rape of a child in Tennessee state court on August 30, 1994. (Docket No. 19, at 1). In December, 2008, the Defendant was released from state custody and registered as a sex offender. (Id., at 2). The Indictment in this case was issued on February 3, 2010. (Docket No. 1). At the hearing, the Defendant represented that, for purposes of the Motion, he did not contest the "timeline" in the Government's Response, and was not raising a lack of notice issue.

The Court recently addressed the same issues of law raised by the Defendant's Motion in a Memorandum and Order denying a similar motion raised by the defendant in United States v.

Daniel G. Carr, No. 2:09-00010 (Docket No. 33). The facts and law presented by the Defendant here are not materially distinguishable from those presented to the Court in resolving the Carr case, and the reasoning of the Court is equally applicable to this case. Therefore, the Court denies Defendant's Motion To Dismiss for the reasons set forth in the Carr Memorandum and Opinion.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE